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EXAMINER	
SRIVASTAVA, VIVEK	

ART UNIT	PAPER NUMBER
2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/777,900	NAKAMURA ET AL.	
	Examiner	Art Unit	
	Wesley Stiles	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9,10,12-26,28,29,31-45,47,48 and 50-57* is/are rejected.

7)☒ Claim(s) *8,11,27,30,46 and 49* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 8/14
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 22 of the disclosure, reference is made to "FDD 20" which is not present in the drawings. A "FDD 6" is present in the drawings. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 13, 32, and 51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim recites "for providing the other speech between said first speech and said second speech when the highlighted scene is reproduced." The specification discloses playing an other speech for the highlight scene after the first speech on the main speech channel. This is found on pages 68-70 of the disclosure. The specification fails to disclose and thus support providing the other speech between the first and second speech.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 13, 32, and 51 refer to "the other speech". The claim defines the first speech and the second speech, but does not previously refer to "the other speech". There is insufficient antecedent basis for this limitation in the claim.

5. Claims 13, 32, and 51 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The claim states that that either the first speech or the second speech is provided then states that the

other speech is provided between the first and second speech. The claim never describes a transition between the first and second speech into which an "other speech" can be inserted. In other words, the claim recites selecting between the first or second speech. The claim fails to recite if one speech is selected (first or second), how the other speech will be inserted between the first and second.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 7, 9, 10, 13-24, 26, 28, 29, 32-43, 45, 47, 48, and 51-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca (US 5,973,723) in view of Sezan (US 6,236,395).

3. Regarding claim 1, DeLuca claims a broadcast receiver (column 1, lines 64-65) comprising a commercial message detecting unit (column 3, lines 1-3), and a reproducing control unit which reproduces data stored in the storage device at the onset of an undesired commercial message (column 3, lines 1-7). DeLuca does not teach, however, the presence of a highlight-detecting unit or that the data stored in memory and substituted for the undesirable commercial is a highlight.

4. In analogous art, Sezan teaches the concept of a highlight detection unit, as well as the storage of highlight scenes for replay by the user. The highlight detection system of Sezan (column 8, lines 30-39 and column 9, line 66 to column 10, line 1) can employ audio or visual analysis to detect a highlight, or can detect a highlight based on data received in the video from the broadcaster. This audio or video data is stored in a digital storage medium (column 9, lines 7-8 and Figure 2).

5. At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the highlight determination and storage system of Sezan to the receiver with commercial substitution capabilities of DeLuca. The motivation for doing so would have been to allow the user to

either review the important parts of the broadcast programming which they are watching or to catch up on important programming they may have missed. This maximizes viewer interest and would minimize the user's desire to change the channel during commercial breaks, thus maximizing viewership of the actual broadcast programming. Therefore, it would have been obvious to one of ordinary skill in the art to use the highlight detection and storage system of Sezan in conjunction with the broadcast receiver and commercial substitution system of DeLuca so that the stored information taught by DeLuca would be programming highlights as taught by Sezan in order to replace commercials with highlights and minimize "channel surfing."

6. In regards to claim 2, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches a start detecting unit which detects the onset of an undesired commercial message (met by detect signal of column 3, lines 1-7). In addition, DeLuca also teaches the selection of alternate data to be emphasized instead of the undesired commercial message (column 3, lines 11-18). As stated above, the alternate data taught by DeLuca can include program highlight information as taught by Sezan.

7. In regards to claim 3, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that the reproduced highlight scene is presented to an audience instead of the commercial message (column 4, lines 58-67).

8. In regards to claim 4, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that the reproduced highlight scene is presented to an audience in conjunction with the commercial message broadcast (column 4, lines 58-63 and column 5, lines 1-8).

9. In regards to claim 5, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches that the highlights may be generated from an index indicative of the highlight scene contained in the broadcast data (column 9, line 65 to column 10, lines 1). Sezan discloses that the program description transmitted along with the program information may hold data telling the system which scenes to include as highlights.

10. In regards to claim 7, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches that the storage device stores data corresponding to a predetermined time

duration at any time, and that if the commercial message is not completed at the end of the highlight broadcast, reproduction of the broadcast begins after the highlight scene has ended. See column 9, lines 34 to column 10, line 37 for an example of this. Sezan discloses that the system records broadcast programming, which inherently must have a predetermined time in order for the system to know when to conclude recording. Also, the user inputs a desired highlight length and the system creates highlights according to that predetermined duration. If desired broadcast programming begins before the highlights are finished, the system records the program and delays the start of it until after the highlights are done (column 10, lines 31-37).

11. In regards to claim 9, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches a digest of highlight scenes used as the highlight scene. The user can view key-frames of the programming to see the summary of the broadcast (column 10, lines 25-28).

12. In regards to claim 10, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that when the commercial message is commenced, the reproduction control unit reproduces the data stored in the storage device beginning at the start of the CM broadcast and commencing after a predetermined delay (column 3, lines 19-29).

13. In regards to claim 13, the combination of DeLuca and Sezan teach all limitations of the claim, wherein the system of DeLuca that the main programming channel has an initial audio and the alternate data that is played in place of the commercial has a different audio channel. When the alternate data is done being played, the first video channel is emphasized, along with its accompanying audio. See column 5, lines 6-8 and lines 24-27. Note that for the rejection of this claim (along with claims 32 and 51) the examiner has assumed that the claim states "providing the other speech between one of said first speech and first second speech".

14. In regards to claim 14, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that the alternate information shown to the audience during the CM broadcast has a length which is coincident with the length of the commercial broadcast itself (column 3, lines 19-28).

15. In regards to claim 15, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches a system which includes a classification system and gives highlights within the user's favorite classifications top priority. See column 9, lines 54-65 of Sezan. A classification system is inherent in that a user can select favorite sports or genres and when the highlights are replayed, those sports, teams, or genres get top priority.

16. In regards to claim 16, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches a display control unit which shows broadcast data and highlight scenes simultaneously on the same screen (column 5, lines 1-12).

17. In regards to claim 17, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches a display control unit which changes size and display position with respect to the display screen when the commercial message has ended (column 5, lines 21-30).

18. In regards to claim 18, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches that the system stores the highlight scenes in the storage device into one of a plurality of sets, such as sports, news, or other genres (column 9, lines 39-51). He also discloses an index for selecting highlight scenes. Sezan teaches both a visual thumbnail-type index as seen in column 14, lines 36-39 and Figures 10 and 11 as well as a more basic indexing scheme where the system assigns each highlight an index code (column 10, lines 6-7).

19. In regards to claim 19, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches the reproduction control unit reproduces any one of the highlight scene and a digest of plural highlight scenes (column 14, lines 19-29).

20. Regarding claim 20, the combination of DeLuca and Sezan teach all limitations of the claim, as discussed in claim 1 above, wherein Sezan teaches a broadcast control method. Any time a user can record programming, delete commercials (column 8, lines 36-39), and delay the start of programming it is inherent that a broadcast control method is present.

21. Regarding claim 21, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches a start detecting unit which detects the onset of an undesired commercial message (met by detect signal of column 3, lines 1-7). In addition, DeLuca also teaches the selection

of alternate data to be emphasized instead of the undesired commercial message (column 3, lines 11-18). As stated above, the alternate data taught by DeLuca can include program highlight information as taught by Sezan.

22. In regards to claim 22, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that the reproduced highlight scene is presented to an audience instead of the commercial message (column 4, lines 58-67).

23. In regards to claim 23, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that the reproduced highlight scene is presented to an audience in conjunction with the commercial message broadcast (column 4, lines 58-63 and column 5, lines 1-8).

24. In regards to claim 24, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches that the highlights may be generated from an index indicative of the highlight scene contained in the broadcast data (column 9, line 65 to column 10, lines 1). Sezan discloses that the program description transmitted along with the program information may hold data telling the system which scenes to include as highlights.

25. In regards to claim 26, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches that the storage device stores data corresponding to a predetermined time duration at any time, and that if the commercial message is not completed at the end of the highlight broadcast, reproduction of the broadcast begins after the highlight scene has ended. See details according to claim 7 above.

26. In regards to claim 28, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches a digest of highlight scenes used as the highlight scene. The user can view key-frames of the programming to see the summary of the broadcast (column 10, lines 25-28).

27. In regards to claim 29, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that when the commercial message is commenced, the reproduction control unit reproduces the data stored in the storage device beginning at the start of the CM broadcast and commencing after a predetermined delay (column 3, lines 19-29).

28. In regards to claim 32, the combination of DeLuca and Sezan teach all limitations of the claim, wherein the system of DeLuca that the main programming channel has an initial audio and the alternate data that is played in place of the commercial has a different audio channel. See explanation as discussed for claim 13 above.

29. In regards to claim 33, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that the alternate information shown to the audience during the CM broadcast has a length which is coincident with the length of the commercial broadcast itself (column 3, lines 19-28).

30. In regards to claim 34, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches a system which includes a classification system and gives highlights within the user's favorite classifications top priority. See column 9, lines 54-65 of Sezan. A classification system is inherent in that a user can select favorite sports or genres and when the highlights are replayed, those sports, teams, or genres get top priority.

31. In regards to claim 35, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches a display control unit which shows broadcast data and highlight scenes simultaneously on the same screen (column 5, lines 1-12).

32. In regards to claim 36, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches a display control unit which changes size and display position with respect to the display screen when the commercial message has ended (column 5, lines 21-30).

33. In regards to claim 37, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches that the system stores the highlight scenes in the storage device into one of a plurality of sets, such as sports, news, or other genres (column 9, lines 39-51). He also discloses an index for selecting highlight scenes. Sezan teaches both a visual thumbnail-type index as seen in column 14, lines 36-39 and Figures 10 and 11 as well as a more basic indexing scheme where the system assigns each highlight an index code (column 10, lines 6-7).

34. In regards to claim 38, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches the reproduction control unit reproduces any one of the highlight scene and a digest of plural highlight scenes (column 14, lines 19-29).

35. Regarding claim 39, the combination of DeLuca and Sezan teach all limitations of the claim, as discussed in claim 1 above, wherein Sezan teaches a computer readable medium for recording with a program causing the computer to execute the said steps. Examples of the programming used in Sezan can be found in columns 14 to 26.

36. Regarding claim 40, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches a start detecting unit which detects the onset of an undesired commercial message and also teaches the selection of alternate data to be emphasized instead of the undesired commercial message. See details as described for claim 21 above.

37. In regards to claim 41, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that the reproduced highlight scene is presented to an audience instead of the commercial message (column 4, lines 58-67).

38. In regards to claim 42, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that the reproduced highlight scene is presented to an audience in conjunction with the commercial message broadcast (column 4, lines 58-63 and column 5, lines 1-8).

39. In regards to claim 43, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches that the highlights may be generated from an index indicative of the highlight scene contained in the broadcast data (column 9, line 65 to column 10, lines 1). Sezan discloses that the program description transmitted along with the program information may hold data telling the system which scenes to include as highlights.

40. In regards to claim 45, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches that the storage device stores data corresponding to a predetermined time duration at any time, and that if the commercial message is not completed at the end of the highlight broadcast, reproduction of the broadcast begins after the highlight scene has ended. See details according to claim 7 above.

41. In regards to claim 47, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches a digest of highlight scenes used as the highlight scene. The user can view key-frames of the programming to see the summary of the broadcast (column 10, lines 25-28).

42. In regards to claim 48, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that when the commercial message is commenced, the reproduction control unit reproduces the data stored in the storage device beginning at the start of the CM broadcast and commencing after a predetermined delay (column 3, lines 19-29).

43. In regards to claim 51, the combination of DeLuca and Sezan teach all limitations of the claim, wherein the system of DeLuca that the main programming channel has an initial audio and the alternate data that is played in place of the commercial has a different audio channel. See explanation as discussed for claim 13 above.

44. In regards to claim 52, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches that the alternate information shown to the audience during the CM broadcast has a length which is coincident with the length of the commercial broadcast itself (column 3, lines 19-28).

45. In regards to claim 53, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches a system which includes a classification system and gives highlights within the user's favorite classifications top priority. See column 9, lines 54-65 of Sezan. See explanation according to claim 34 above.

46. In regards to claim 54, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches a display control unit which shows broadcast data and highlight scenes simultaneously on the same screen (column 5, lines 1-12).

47. In regards to claim 55, the combination of DeLuca and Sezan teach all limitations of the claim, wherein DeLuca teaches a display control unit which changes size and display position with respect to the display screen when the commercial message has ended (column 5, lines 21-30).

48. In regards to claim 56, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches that the system stores the highlight scenes in the storage device into one of a plurality of sets, such as sports, news, or other genres. See details associated with claim 37 above.

49. In regards to claim 57, the combination of DeLuca and Sezan teach all limitations of the claim, wherein Sezan teaches the reproduction control unit reproduces any one of the highlight scene and a digest of plural highlight scenes (column 14, lines 19-29).

50. Claims 6, 25, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca and Sezan in view of Heo (US 2002/0176689). Regarding claim 6, as discussed above, DeLuca and Sezan meet all limitations of the claim except for the system detecting a highlight scene in response to user input.

51. In analogous art, Heo discloses a function whereby the user can push an input key which sends a highlight recording mode start signal and the system records the next available highlight. See paragraph 28 of Heo.

52. At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the user-regulated highlight detection method of Heo into the system of DeLuca and Sezan. The motivation for doing so would have been to allow the user to choose which highlights they would like to review during a commercial break. For example, if a user is not interested in viewing highlights each commercial message broadcast but sees something on the broadcast programming that they would like to view again, allowing them to choose which highlights to record and display would clearly be beneficial. Therefore, it would have been obvious to combine Heo with DeLuca and Sezan to create a system that locates and records highlights upon user input, then redistributes those highlights as a substitution for undesired commercial messages.

53. Regarding claim 25, the combination of DeLuca, Sezan, and Heo teaches all limitations stated in the claim, wherein Heo discloses that the highlights can be detected in response to user input. See above for explanation.

54. Regarding claim 44, the combination of DeLuca, Sezan, and Heo teaches all limitations stated in the claim, wherein Heo discloses that the highlights can be detected in response to user input. See above for explanation.

55. Claims 12, 31, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca and Sezan in view of Yeo (US 6,219,837). Regarding claim 12, as discussed above, DeLuca and Sezan meet all limitations of the claim except for the system displaying a still image as the highlight scene.

56. In analogous art, Yeo discloses showing "summary frames", still images depicting important scenes of the programming in order to catch the attention of the viewer (column 2, lines 8-13 and column 3, lines 23-31).

57. At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the still image highlight frames of Yeo into the system of DeLuca and Sezan. The motivation for doing so would have been to save memory on the recording media while still allowing the user to see a summary and important moments of the broadcast programming that they may have missed or want to review. Therefore, it would have been obvious to combine Yeo with DeLuca and Sezan to create a system that displays highlights of broadcast programming instead of undesired commercial messages, with those highlights being composed of either moving or still images.

58. Regarding claim 31, the combination of DeLuca, Sezan, and Yeo teaches all limitations stated in the claim, wherein Yeo discloses that the highlights can be still images. See above for explanation.

59. Regarding claim 50, the combination of DeLuca, Sezan, and Yeo teaches all limitations stated in the claim, wherein Yeo discloses that the highlights can be still images. See above for explanation.

Allowable Subject Matter

60. Claims 8, 11, 27, 30, 46, and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

61. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Nunally et al. (US 6,035,341) discloses highlight detection and storage based on broadcast data.

b. Perlman (US 6,657,346) discloses video segment recognition.

c. Dimitrova et al. (US 6,100,941) discloses a commercial message recognition system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley Stiles whose telephone number is (703) 308-6107. The examiner can normally be reached on 7:00-4:30, out of the office on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703)305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLS
8/18/04